

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
)	
RICHARD BROWN <i>et alia</i> ,)	
)	
Plaintiffs,)	
)	
v.)	C.A. NO. 05-10188-MEL
)	
SUFFOLK COUNTY,)	
Defendant.)	
_____)	

and

_____)	
)	
GIUSEPPE MAROTTA <i>et al.</i> ,)	
)	
Plaintiff)	
)	
v.)	C.A. NO. 05-10032-MEL
)	
SUFFOLK COUNTY,)	
Defendant)	
_____)	

**PLAINTIFFS' AMENDED PRETRIAL DISCLOSURES
PURSUANT TO F.R.C.P. RULE 26(a)(3)**

Now come the Plaintiffs, and amend their Pretrial Disclosures, served to the Defendant on December 28, 2008, and make the following required disclosures pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure. The Plaintiffs are filing this document with the court, in light of the court's recent notice that a final pretrial conference will be held tomorrow at 11:00 a.m.:

WITNESSES

WITNESSES EXPECTED TO BE PRESENT

Charles Abate
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Christopher Boujoukas
Bridgewater, MA
(617) 799-2635

James Breslin
74 Mill Rd
Hampton, NH 03842-3333
(603) 926-7563

Andrea J. Cabral
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Michael Cawley
14 Glide St
Dorchester, MA 02122-2112
(617) 288-1452

Timothy Frates
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100
(781) 924-1234

Sally Glora
City Auditor
City of Boston
New City Hall
Boston, MA
(617) 635-4671

Michael Harris
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Bryan Kaiser
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Elizabeth Keally
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Cornell Lewis
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Maura McDonough
28 Travis St,
Allston, MA 02134
(781) 416-0627

John Murphy
14 Dyer Ave.
Salem, New Hampshire 03079

Jennifer Springer
Coordinator
AFSCME Council 93, AFL-CIO
8 Beacon Street
Boston, MA 02108

Brian Stack
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Captain John Sullivan
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

William Sweeney
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Viktor Theiss
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Thomas Yotts
95 Freeman St
Quincy, MA 02170-2019
(617) 786-1252

WITNESSES THAT MAY BE CALLED IF THE NEED ARISES

Keeper of the Records
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Keeper of the Records
City Auditor
City of Boston
New City Hall
Boston, MA
(617) 635-4671

Gary Bolles
South Boston, MA
307 Bolton St
South Boston, MA
617-268-0134

Richard Brown
Suffolk County Sheriff's Department
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Thomas Flynn
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Michelle Gibbons
Suffolk County Sheriff's Department
20 Bradston Street
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Cynthia McManus
340 Turnpike Street
Canton, MA 02021
800 882 2056

Robert Murphy
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Michael Simpson
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

Larry Williams
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118
(617) 635-1100

All Plaintiffs Who Have Filed Consents in these Actions

PLAINTIFF'S EXHIBITS

DOCUMENTS EXPECTED TO BE ENTERED

1. Grievance History of grievance alleging underpayment for time caring for canine, filed by John Murphy.
2. Seminar materials introduced at Terry Fleck Canine seminar.
3. Notes of Labor/Management Meetings concerning payment of Academy cadets.
4. All Collective Bargaining Agreements for Local 3643 and Local 419, 1995 to present (portions of which are included with the Plaintiff's Motion for Summary Judgment, and listed below).
5. All documents included in the Plaintiffs' Motion for Partial Summary Judgment, including:

Exhibit 1A, CBA for Local 419, July 2001 to June 2003
Exhibit 1B, Local 419, July 1, 1999 to June 30, 2000
Exhibit 1C, Local 419, July 1, 2000 to June 30, 2003
Exhibit 1D, Local 419, July 2005 to June 2008
Exhibit 2A, Local 3643, July 1, 2000 to June 30, 2003
Exhibit 2B, Local 3643, July 1, 1998 to June 30, 2000
Exhibit 5, Letter from Tsei Notifying Unions of Peoplesoft Conversion
Exhibit 6, Memorandum of Michael Cawley
Exhibit 9, McDonough E-Mail to Jordan, March 9, 2000
Exhibit 10, McDonough E-Mail to Murphy, April 10, 2000
Exhibit 11, Yotts Affidavit

DOCUMENTS TO BE ENTERED IF THE NEED ARISES

1. All payroll records of all plaintiffs from January 1, 2000 to the present.
2. All documents identified in the Defendant's Automatic Disclosures.
3. All documents requested by the Plaintiffs in their Request for Production of Documents, whether or not produced.

4. All documents to be subpoenaed for trial from the Defendant's Keeper of the Records.
5. Official Record, AFSCME Council 93, AFL-CIO v. Suffolk County Sheriff's Department, MUP-01-2911

**DESIGNATION OF THOSE WITNESSES WHOSE TESTIMONY THE
PLAINTIFFS ANTICIPATE MIGHT BE PRESENTED BY
DEPOSITION**

The Plaintiffs designate the following individuals, all of whom are current or former management level employees of the Defendant, as those from whom they reserve the right to present evidence via their deposition transcripts, pursuant to Fed. Rule Civ. P. Rule 32(a)(1) :

Charles Abate

Michael Cawley

Michael Harris

Maura McDonough

Thomas Yotts

The Plaintiffs incorporate by reference the portions of the transcripts of these witnesses referenced in their Motion for Summary Judgment as proffered testimony, but reserve the right to enter other portions.

In addition, the Plaintiffs reserve the right to enter the deposition transcript of John Scaduto, pursuant to Fed. Rule Civ. P. Rule 32(a)(4) (unavailability). Scaduto's deposition has been noticed for Monday, January 21, 2008. Mr. Scaduto is presently domiciled and employed in Florida, but will be in Massachusetts on January 21, 2008,

though departing to Florida late that day. All relevant portions of his testimony will be offered at trial.

RIGHT TO SUPPLEMENT

The Plaintiffs reserve the right to supplement or amend their Disclosures.

Respectfully submitted,

THE PLAINTIFFS

By their attorneys,

[s/Daniel W. Rice](#)

Daniel W. Rice
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10 Forbes Road
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(781) 849-8479
BBO # 559269

Dated: January 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 15, 2008.

[/s/ Daniel W. Rice](#)
Daniel W. Rice